

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: DIOGUARDI et al. Examiner: Unknown  
 Serial No.: 10/563,696 Group Art Unit: Unknown  
 Filed: January 5, 2006 Docket: 09728.0347USWO  
 Confirmation No.: 2949  
 Due Date: June 18, 2006  
 Title: METHOD AND APPARATUS FOR ANALYZING BIOLOGICAL TISSUES

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 840130495 US  
 Date of Deposit: June 6, 2006

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

By:   
 Name: John Junkers

Mail Stop PCT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450

**23552**

PATENT TRADEMARK OFFICE

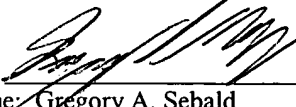
Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Notification of Missing Requirements Under 35 U.S.C. 371
- ☒ Signed Combined Declaration and Power of Attorney
- ☒ Check(s) in the amount of \$130.00 for payment of Missing Requirements Completion fee
- ☒ Other: Communication Regarding Submission of Missing Requirements
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.  
 P.O. Box 2903  
 Minneapolis, MN 55402-0903  
 612.332.5300

By:   
 Name: Gregory A. Sebald  
 Reg. No.: 33,280  
 GAS/mkc

06/09/2006 LLANDGRA 00000061 10563696

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/563,696	Nicola Dioguardi	09728.0347USWO ✓

INTERNATIONAL APPLICATION NO.	
PCT/IB03/02703	
I.A. FILING DATE	PRIORITY DATE
07/09/2003	

23552  
MERCHANT & GOULD PC  
P.O. BOX 2903  
MINNEAPOLIS, MN 55402-0903

CONFIRMATION NO. 2949

## 371 FORMALITIES LETTER



\*OC000000018550993\*

Miss Req 2 Mo: June 18, 2006  
Miss Req 3 Mo: July 18, 2006  
Miss Req 5 Mo: October 18, 2006

Date Mailed: 04/18/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/05/2006
- Copy of the International Search Report filed on 01/05/2006
- Information Disclosure Statements filed on 01/05/2006
- Oath or Declaration filed on 01/05/2006
- Request for Immediate Examination filed on 01/05/2006
- U.S. Basic National Fees filed on 01/05/2006
- Substitute Specification filed on 01/05/2006
- Specification filed on 01/05/2006
- Claims filed on 01/05/2006
- Abstracts filed on 01/05/2006
- Drawings filed on 01/05/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/563,696	PCT/IB03/02703	09728.0347USWO

FORM PCT/DO/EO/905 (371 Formalities Notice)

S/N 10/563,696

PATENT

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By: 

Name: John Junkers

SUBMISSION OF MISSING REQUIREMENTS

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

In connection with the above-identified application, enclosed please find the originally signed Combined Declaration and Power of Attorney. Also enclosed is our check in the amount of \$130.00 to cover the Missing Requirements completion fee.

Respectfully submitted,



MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Dated: June 6, 2006

By: 

Gregory A. Sebald  
Reg. No. 33,280

GAS/mkc